

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JOHN BARCENAS, *et al.*,
Individually and as representatives of a
class of similarly situated persons,

Plaintiffs,

v.

RUSH UNIVERSITY MEDICAL CENTER,
et al.,

Defendants.

Case No: 1:22-cv-00366-GSF

December 5, 2022

**PLAINTIFFS' UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, John Barcenas, Mary Brown, Patrick Russo, and Teneka Ware, on behalf of the proposed Settlement Class and the Rush University Medical Center 403(b) Retirement Savings Plan (the “Plan”), hereby move (the “Motion”) pursuant to Federal Rule of Civil Procedure 23 for entry of an Order that: (1) finally approves the Settlement Agreement dated July 29, 2022 with Defendants, Rush University Medical Center, the Board of Trustees of Rush University Medical Center, the Rush University Medical Center Investment Committee, and the Rush University Medical Center Administrative Committee filed on that date;¹ and (2) certifies the proposed Settlement Class. A proposed Final Approval Order was attached as Exhibit D to the Settlement Agreement and filed on the docket on July 29, 2022.²

For the reasons set forth in the Settlement Agreement, accompanying memorandum of

¹ Terms not defined herein shall have the same meaning as in the Settlement Agreement.

² If helpful to the Court, Plaintiffs would be happy to provide a Word version of the proposed Final Approval Order.

law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully submit that the proposed settlement memorialized in the Settlement Agreement (the “Settlement”) is fair, reasonable, and adequate, and should be finally approved, and the Settlement Class maintained.

The Settlement is the product of arm’s-length negotiations between the parties and their counsel, all of whom comprehensively litigated this matter, are well-informed regarding all the issues in this litigation, and have significant experience in complex litigation of this type. Accordingly, Plaintiffs respectfully request that the Court enter the proposed Final Approval Order.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of the Motion.

DATED: December 5, 2022

Respectfully submitted,

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*Attorneys for Plaintiffs, the Plan and the
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CERTIFICATE OF SERVICE

I certify that, on December 5, 2022, I caused the foregoing document to be filed using the Court's CM/ECF system, which thereby sent notice to all counsel of record.

/s/ James E. Miller

James E. Miller